

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RASHEEN NIFAS)	
)	
)	
Plaintiff,)	Civil Action No. 10-1486
)	Judge Conti
v.)	Magistrate Judge Bissoon
)	
BRIAN V. COLEMAN, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Rasheen Nifas (“Plaintiff”) currently is an inmate incarcerated at the State Correctional Institution at Fayette, Pennsylvania (“SCI-Fayette”). Plaintiff filed a motion for preliminary injunction on November 8, 2010. (ECF No. 5). Waivers of service for Defendants were returned on July 19, 2011. (ECF Nos. 27-28; 29-53). This case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges.

On August 22, 2011, the magistrate judge issued a report and recommendation (ECF No. 55), in which she recommended that Plaintiff’s motion for preliminary injunction be denied, finding that Plaintiff had not demonstrated likelihood for success on the merits or likelihood of irreparable harm. Id. at 3-4. A showing of both is required in order for Plaintiff to be entitled to the extraordinary remedy that he seeks. Campbell Soup Co. v. ConAgra, Inc., 977 F.2d 86, 90-91 (3d Cir. 1992).

Plaintiff filed objections on September 1, 2011, arguing that his allegations supporting the motion should have been analyzed under the legal theory of retaliation. (ECF No. 61).

However, despite bare statements to the contrary, Plaintiff's factual allegations do not support the conclusion that he will suffer irreparable harm if an injunction is not issued.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th day of September, 2011,

IT IS HEREBY ORDERED that Plaintiff's motion for preliminary injunction (ECF No. 5) is DENIED.

IT IS FURTHER ORDERED the magistrate judge's report and recommendation (ECF No. 55), as it is amended by this memorandum order, is adopted as the opinion of this Court on this issue.

BY THE COURT:

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
UNITED STATES DISTRICT JUDGE

cc:
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